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10 Attorneys for Plaintiff  
Mariani Packing Co., Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MARIANI PACKING CO., INC., a  
California Corporation,

17 Plaintiff,

18 || v.

19 MARIAN TRADING, LTD., a California  
Corporation,

Defendants.

CASE NO. C 10-00673 CW

**STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL**

Judge: Hon. Claudia Wilken  
Dept.: Courtroom 2, 4<sup>th</sup> Floor

## **STIPULATION FOR DISMISSAL**

IT IS HEREBY STIPULATED by and between Plaintiff Mariani Packing Co., Inc. (“Mariani”) and Defendant Marian Trading, Ltd. (“Marian”) that:

1. The parties have agreed to resolve the case on mutually acceptable terms and have executed a confidential Settlement Agreement and General Release (“Settlement Agreement”) setting forth the terms of their agreement:

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**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL**

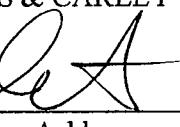
(CV 10-00673 CW)

- 1           2. The parties have agreed that Plaintiff Mariani will dismiss its complaint with  
2 prejudice pursuant to Federal Rules of Civil Procedure 41;  
3           3. The parties have agreed that each will bear its own costs and attorney fees; and  
4           4. The parties agree that this Court shall retain jurisdiction over this case to enforce  
5 the terms of the Settlement Agreement.

6  
7           **IT IS SO STIPULATED.**

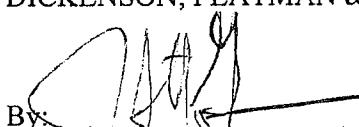
8           Dated: March 15, 2011

9  
10          HOPKINS & CARLEY

11          By:   
12          Eugene Ashley  
13          Attorneys for Plaintiff Mariani Packing Co., Inc.

14          Dated: March 13, 2011

15          DICKENSON, PEATMAN & FOGARTY

16          By:   
17          J. Scott Gerien  
18          Attorneys for Defendant Marian Trading, Ltd.

19          Based on the foregoing stipulation, and for good cause shown, this action is hereby  
20          ordered dismissed with prejudice.

21          Dated: April 18, 2011

22            
23          U.S. DISTRICT COURT JUDGE